

**REMARKS**

In response to the Office Action of July 20, 2004, Applicant has canceled claims 37-38 and amended claims 39-46, 49-61, 64, 73, 85 and 98. Applicant offers the following remarks. No new matter has been added to the claims. Reconsideration and a Notice of Allowance is respectfully requested.

**1. 35 U.S.C. 102 Rejections**

***a. Rejections based on Karcher***

In the Office Action of July 20, 2004, claims 37-47, 49-55, 57-61, 73-78 and 80-84 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,696,479 to Karcher ("Karcher").

**Claims 37-38** have been canceled.

**Independent claim 39** now recites a method for sealing a dynamic shaft assembly, wherein the seal utilized comprises

- a faceplate,
- a filter material between an inner and an outer portion of the seal,
- a first flange extending radially inwardly from the outer portion,
- a first elastomeric lip extending radially inwardly from the first flange, and
- an elastomeric main sealing lip extending radially inwardly from the first flange, wherein the faceplate is operably coupled to the outer portion.

Karcher does not disclose a seal with all of these features. For at least this reason, Karcher fails to anticipate independent claim 39 and its dependent claims.

**Independent claim 49** now recites a seal for sealing a dynamic shaft assembly, comprising:

- a sleeve adapted to be disposed generally coaxially around a shaft;
- a casing adapted to be generally arranged to surround the sleeve; and
- a filtering material in contact with a portion of the sleeve and a portion of the casing.

As illustrated in Karcher's FIG. 3, the washer 70 clearly does not contact both the sleeve and the casing. Therefore, Karcher does not disclose each and every feature recited in independent claim 49. For at least this reason, Karcher fails to anticipate independent claim 49 and its dependent claims.

**Independent claim 73** now recites “a filtering material portion located between the inside face of the faceplate and the outside face of the sleeve flange.” As is clearly evident from Karcher’s FIG. 3, Karcher does not disclose the recited arrangement. For at least this reason, Karcher fails to anticipate independent claim 73 and its dependent claims.

In view of the preceding remarks, Applicant respectfully requests reconsideration and withdrawal of the anticipation rejections based on Karcher.

**b. Rejections based on Carson**

In the Office Action of July 20, 2004, claims 64 and 67-71 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,135,518 to Carson et al. (“Carson”).

**Independent claim 64** now recites a method for sealing a dynamic shaft assembly, wherein the seal utilized comprises “a filtering material between the outside face of the first flange and the inside face of the faceplate.” Carson discloses a rubber bumper portion 26. Thus, Carson does not disclose a filtering material and, as a result, fails to disclose each and every element of independent claim 64. For at least this reason, Carson fails to anticipate independent claim 64 and its dependent claims.

In view of the preceding remarks, Applicant respectfully requests reconsideration and withdrawal of the anticipation rejections based on Carson.

**c. Rejections based on Dossena**

In the Office Action of July 20, 2004, claims 37-54, 56-61, 64-77, 79-90 and 92-102 are rejected under 35 U.S.C. 102(e) as being anticipated by Dossena et al. (“Dossena”).

**Claims 37-38** have been canceled.

**Independent claim 39** recites a “filter material.” **Independent claim 49** recites a “filtering material.” **Independent claim 64** recites a “filtering material.” **Independent claim 73** recites a “filtering material portion.” **Independent claim 85** recites a “filtering material portion.” **Independent claim 98** recites a “filtering material portion.”

In order for Dossena to anticipate the aforementioned independent claims and their respective dependent claims, Dossena needs to at least disclose a filtering material. Dossena does not do this. For example, Dossena is concerned with a problem faced by seals where

the part of the reinforcement that faces towards the outside of the seat, and is thus in direct contact with external contaminants, is easily oxidized, so that the dust lips get damaged. The dust lips lose their sealing action, so leading to the main lip getting damaged and to the seal gasket becoming unserviceable. On

the other hand, fabrication of the entire reinforcement using oxidation-resistant materials would from one standpoint be too costly.

*Dossena, col. 1, ll. 41-48.* In an attempt to remedy the oxidation situation, Dossena configures its seal such that “annular lip 42, which is the outermost and consequently the one most subject to possible damage, can be made separately and of the most suitable material ..., whereas, for the annular lips 35, 39 and 40 ..., which are the ones less subject to stress, a traditional elastomer is used.” *Dossena, col. 5, ll. 66-67; col. 6, ll. 1-4.* “[A]nnular lip 42 ... is made of a material different from, and more rigid than, that of the annular lips 35, 39, 40, for example a polyurethane.” *Dossena, col. 5, ll. 38-41.*

Thus, Dossena’s annular lips 35, 39 and 40 are made from an elastomeric material and annular lip 42 is made from a material that is similar to its other elastomeric lips, but more rigid and oxidation resistant. Dossena does not disclose that any of its lips are made from a filtering material, as recited in each of Applicant’s independent claims 39, 49, 64, 73, 85 and 98. For at least this reason, Dossena fails to anticipate each of these independent claims and their respective dependent claims. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejections based on Dossena.

## **2. 35 U.S.C. 103 Rejections**

### **a. Rejections based on Karcher/Fedrovich**

In the Office Action of July 20, 2004, claim 48 was rejected under 35 U.S.C. 103(a) as being unpatentable over Karcher in view of U.S. Patent 4,552,367 to Fedorovich et al. (“Fedorovich”).

As explained in Section 1a above, Karcher fails to disclose, teach or suggest each and every element of independent claim 39, which is the claim from which rejected claim 48 depends. Fedorovich does not remedy Karcher’s inadequacies. Accordingly, the Karcher/Fedorovich combination fails to disclose, teach or suggest each and every element of claim 48. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 48.

### **b. Rejections based on Carson/Fedrovich**

In the Office Action of July 20, 2004, claim 72 was rejected under 35 U.S.C. 103(a) as being unpatentable over Carson in view of Fedorovich.

As explained in Section 1b above, Carson fails to disclose, teach or suggest a filtering material. Fedorovich does not remedy Carson’s inadequacy. Accordingly, the

Carson/Fedrovich combination fails to disclose, teach or suggest each and every element of claim 72. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 72.

**c. Rejections based on Karcher/Hatch**

In the Office Action of July 20, 2004, claims 56 and 79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Karcher in view of U.S. Patent 4,943,068 to Hatch et al. ("Hatch").

As explained in Section 1a above, Karcher fails to disclose, teach or suggest "a filtering material in contact with a portion of the sleeve and a portion of the casing," as recited in independent claim 49, which is the claim from which rejected claim 56 depends. Hatch does not remedy Karcher's inadequacies. Accordingly, the Karcher/Hatch combination fails to disclose, teach or suggest each and every element of claim 56.

Also, as explained in Section 1a above, Karcher fails to disclose, teach or suggest "a filtering material portion located between the inside face of the faceplate and the outside face of the sleeve flange," as recited in independent claim 73, which is the claim from which rejected claim 79 depends. Again, Hatch does not remedy Karcher's inadequacies. Accordingly, the Karcher/Hatch combination fails to disclose, teach or suggest each and every element of claim 79.

Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections of claims 56 and 73.

**d. Rejections based on Karcher/Toth**

In the Office Action of July 20, 2004, claims 85-91 and 93-97 were rejected under 35 U.S.C. 103(a) as being unpatentable over Karcher in view of U.S. Patent 6,257,587 to Toth et al. ("Toth").

Independent claim 85 recites "a filtering material portion, wherein the filtering material portion contacts the inside face of the faceplate, rotationally displaces relative to the face plate, and is between the faceplate and the sleeve." In the Office Action, the Examiner asserts that it would have obvious in view of Toth to reconfigure Karcher to meet the cited limitation of claim 85.

Applicant respectfully submits that the Examiner's assertion is incorrect for several reasons. First, in order for Karcher's washer 70 to be rotationally displaceable against its faceplate 93, the washer 70 would need to be affixed to the sleeve 32 in some manner. Not only does Karcher not or teach or suggest a manner of affixing the washer 70 to the sleeve 32,

the gap between the end of the washer 70 and the surface of the sleeve 32 clearly teaches against affixing the washer 70 to the sleeve 32.

Second, in each of Toth's figures, the filter 86, 286, 386, 486 does not "contact[] the inside face of the faceplate" and does not "rotationally displace[] relative to the faceplate," as recited in Applicant's independent claim 85. Instead, in each of Toth's figures, the filter 86, 286, 386, 486 contacts and displaces against the tip of a portion of an axial shield portion 68, 104, 110, 116, 120, 126 that is parallel to the axis of the shaft. Thus, it is clear that Toth does not teach or suggest the modifications needed to remedy Karcher's deficiencies with respect to independent claim 85 and its dependent claims. Accordingly, the Karcher/Toth combination fails to make obvious these claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections of claim 85-91 and 93-97.

**e. Rejections based on Karcher/Toth/Hatch**

In the Office Action of July 20, 2004, claim 92 was rejected under 35 U.S.C. 103(a) as being unpatentable over Karcher and Toth in further view of Hatch.

As explained in Section 2d above, the Karcher/Toth combination fails to disclose, teach or suggest each and every feature of independent claim 85, which is the claim from which claim 92 depends. Hatch does not remedy the combination's inadequacy. Accordingly, the Karcher/Toth/Hatch combination fails to disclose, teach or suggest each and every element of claim 92. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 92.

**CONCLUSION**

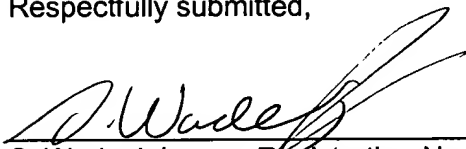
This application now stands in allowable form and reconsideration and allowance is respectfully requested.

This Amendment and Response is being filed concurrently with a Petition for Three-Month Extension of Time. A check in the amount of \$1,020.00, for three-month extension of time fee is enclosed. Should any other fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or amendment, please contact the undersigned at (303) 629-3423.

Dated: 1-18-05.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'S. Wade Johnson', is written over a horizontal line.

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